

Application No. 10/005,188

REMARKS

Claims 1-14 are pending. By this Amendment, the specification, abstract and claims 7, 10, 13, and 14 are amended.

The specification and abstract are amended to correct obvious typographical and grammatical errors.

Claim 7 is amended to depend from claim 6 rather than from claim 5 and to recite "the adaptor plate" rather than "the stacking adaptor plate," the latter limitation having no antecedent basis in claim 6.

Claim 10 is amended to recite a "wafer container system comprising a pair of wafer containers," then to positively recite the limitations of each of the wafer containers. Finally, claim 10 is amended to recite "a first cooperating part of a kinematic coupling" with respect to the recited machine interface on the wafer containers and "a second cooperating part of said kinematic coupling" pertaining to the recited adaptor plate. The foregoing limitations, if anything, broaden the scope of claim 10 and are made to more particularly point out and distinctly claim the subject matter regarded as the invention.

Claim 13 is amended to recite a "method of stacking first and second wafer containers," a three groove kinematic coupling portion disposed proximate the bottom of the container portion," and "a carrier portion disposed proximate a top of the container portion." The latter two amendments, if anything, broaden the scope of claim 13. Claim 13 is yet further amended to recite "inserting between the first and second wafer containers an adaptor plate having a three projection kinematic coupling disposed proximate the bottom of the first wafer container." The

Application No. 10/005,188

foregoing amendments are made to more particularly point out and distinctly claim the subject matter regarded as the invention.

Claim 14 is amended to relate to the first and second wafer container now recited in claim 13 so as to more particularly point out and distinctly claim the subject matter regarded as the invention.

None of the amendments to the specification or claims add new matter. In view of the foregoing amendments, reconsideration and withdrawal of all pending rejections are respectfully requested.

35 U.S.C. § 112

Claims 10, 13, and 14 are rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this Application, claims 10, 13, and 14 are amended as described above and are submitted to be no longer indefinite, if arguendo indefinite before being amended. In view of the amendments to the rejected claims, reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. §§ 102 and 103

Claims 1, 4, 6, and 8-10 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. 6,382,419 ("Fujimori"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of anticipation, all claim limitations must be expressly or inherently present in a single document.¹ Applicant respectfully submits that

¹ See, M.P.E.P. § 2131 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")

Application No. 10/005,188

Fujimori fails to disclose all claim 1 limitations. Contrary to this requirement for a prima facie case of anticipation, the Office Action states "the adaptor plate is inherently capable of being brought into releasable engagement with the receptacle portion by means such as another adaptor which engages both the adaptor plate and the receptacle portion." "Another adaptor which engages both the adaptor plate and the receptacle portion" is neither disclosed nor suggested by Fujimori. Fujimori, by contrast, discloses a bottom plate 14 which mounts only to V-grooves 4 (on the bottom surface of the box body 1).² Indeed, Fujimori fails to disclose "a stacking adaptor plate for releasable engagement with the container portion at the receptacle portion" (on the top of the container portion) as recited in pending claim 1. Moreover, the Examiner's opinion is not sufficient either to modify the disclosure of Fujimori or to posit unsubstantiated "inherent" functionalities of the bottom plate 14 of Fujimori without support from Fujimori because "another adaptor" is neither explicitly nor inherently disclosed in Fujimori. Because "another adaptor" is neither disclosed nor suggested by Fujimori, a prima facie case of anticipation has not been established with respect to pending claim 1.

Concerning claim 4 and as noted above, Fujimori fails to explicitly or inherently disclose a "stacking adaptor plate adapted to fit on the top of the wafer container to facilitate stacking of the plurality of wafer containers." Because Fujimori fails to explicitly or inherently disclose this limitation, a prima facie case of anticipation has not been established with respect to pending claim 4.

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).").

² See U.S. 6,382,419, column 9, line 56 et seq. ("As is illustrated in FIGS. 2 and 4, the bottom plate 14 has a generally Y-shaped configuration and has three approximately oval guide members 15 integrally shaped on the two front side positions and a center rear position each to fit and to be engaged with one of the V-grooves 4 on the bottom surface of the box body 1.").

Application No. 10/005,188

With respect to claim 6 and as shown above, Fujimori fails to explicitly or inherently disclose "an adaptor plate conformed to engage with the top of the wafer container." Because Fujimori fails to explicitly or inherently disclose "an adaptor plate conformed to engage with the top of the wafer container," a prima facie case of anticipation has not been established with respect to pending claim 6.

With respect to claim 10, Fujimori fails to explicitly or inherently disclose a wafer container system in which a "pair of wafer containers may be stacked together with said first cooperating part of said kinematic coupling intermediate each said pair of wafer containers." Because Fujimori fails to explicitly or inherently disclose the foregoing limitation, a prima facie case of anticipation has not been established with respect to pending claim 10. Applicant also respectfully traverses that a rejection can properly require rotating (reorienting) the container of Figure 2, so that the top becomes the bottom without establishing that the wafer container box would function in the inverted fashion.³ Indeed, in the inverted orientation posited by the rejection, the containers could not be handled by the equipment because the kinematic coupling would be at the top of the inverted wafer container, not at the bottom where it would be accessible. Additionally, the wafers within the containers would be damaged during the

³ See, e.g., LaBounty Mfg. Inc. v. U.S. Int'l Trade Comm'n, 22 U.S.P.Q.2d 1025, 1032 ("LaBounty points to a depiction in an advertisement which shows the shear in an 'upside down' position (two lower blades on top, and single upper blade nearer to the ground) and argues that, in this 'normal' position, it would have been impossible for the MS107 to receive and support a workpiece. However, this evidence fails to show that ALJ could not rely on Pond's testimony, which explained that the MS107 would receive and support a workpiece when operated right side up. As stated by Judge Hand in Dwight & Lloyd Sintering Co. v. Greenawalt, 27 F.2d 823, 828 (2d Cir. 1928): The use for which the [anticipatory] apparatus was intended is irrelevant, if it could be employed without change for the purposes of the patent; the statute authorizes the patenting of machines, not of their uses. So far as we can see, the disclosed apparatus could be used for 'sintering' without any change whatsoever, except to reverse the fans, a matter of operation.").

Application No. 10/005,188

inversions. Also, inverted containers could not be filled by automated equipment because the kinematic coupling would not be on the bottom of the containers. Nonetheless if the rejection requiring inversion of Figure 2 of Fujimori is maintained, the Examiner is respectfully required to establish that the wafer container box disclosed by Fujimori would indeed be functional for its intended purpose by disclosing a document to this effect. If the Examiner relies on the Examiner's personal knowledge or Official Notice, the Examiner is respectfully required to execute a declaration or affidavit to this effect, which the Applicant reserves the right to subsequently explain or contradict.⁴ Because Figure 2 of Fujimori cannot be properly inverted without establishing functionality, a prima facie case of anticipation has not been established with respect to claim 10 a fortiori.

As seen above, a prima facie case of obviousness has not been established with respect to pending claims 1, 4, 6, and 10. Rejected claims 8 and 9 depend from claim 6. Hence, a prima facie case of anticipation has not been established with respect to pending claims 8 and 9, as well. Because a prima facie case of anticipation has not been established with respect to the rejected claims, reconsideration and withdrawal of the rejection are respectfully requested.

⁴ See, M.P.E.P. § 2144.03 ("If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons. See 37 CFR 1.104(d)(2).") (emphasis added).

Application No. 10/005,188

Claims 4, 5, and 7 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 6,009,919 ("Betsuyaku"). Applicant respectfully traverses this rejection. Applicant first respectfully traverses the assertion in the Office Action that "Betsuyaku discloses a stacking adaptor plate (15) for stacking wafer containers." Betsuyaku, to the contrary, discloses a storage container with a structure for positioning the container to be mounted on stage of automatic machine 12.⁵ "Stacking" containers is neither explicitly nor inherently disclosed in Betsuyaku. For reasons stated with respect to note 3 above, Applicant respectfully disputes that the rejection can properly require inverting the container and bottom plate of Betsuyaku to establish a prima facie case of anticipation without showing that the functionality of the container and bottom plate would be preserved when inverted. In fact, the rejection requires an inverted container to be stacked atop a non-inverted container and an inverted container could not be accessed by its kinematic coupling as explained above. Moreover, use of an inverted container or bottom plate is not explicitly or inherently disclosed in Betsuyaku. Therefore, a prima facie case of anticipation has not been established with respect to claims 4, 5, and 7.

With respect to claim 4, Betsuyaku fails to explicitly or inherently disclose a stacking adaptor plate both adapted to fit on the top of the wafer container and having an upwardly facing kinematic coupling portion for a wafer container with a bottom kinematic coupling. Hence, Betsuyaku fails to explicitly or inherently disclose a limitation of claim 4. Because the foregoing limitation is not explicitly or inherently disclosed by Betsuyaku, a prima facie case of anticipation has not been established with respect to pending claim 4 a fortiori.

⁵ See U.S. 6,006,919, column 10, line 36 et seq. ("In the above configuration, when container body 1 is conveyed by automatic machine 12, the storage container for precision substrates is positioned and mounted on stage 13 of automatic machine 12 in the following manner.").

Application No. 10/005,188

With respect to claims 5 and 7, Betsuyaku fails to explicitly or inherently disclose a detent. Therefore, a prima facie case of anticipation has not been established with respect to pending claims 5 and 7. Moreover, claim 5 depends from claim 4. Because a prima facie case of anticipation has not been established with respect to claim 4, a prima facie case of anticipation has not been established with respect to claim 5 a fortiori.

As shown above, a prima facie case of anticipation has not been established with respect to claims 4, 5, and 7 and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as obvious over Fujimori, in view of Betsuyaku. Applicant respectfully traverses this rejection. Applicant first respectfully disputes that the required motivation to modify the disclosure of Fujimori with the disclosure of Betsuyaku has been established.⁶ In fact, rather than establish the required motivation by citing supporting portions from Fujimori or Betsuyaku, or asserting motivation in the knowledge generally available to one of ordinary skill in the art, the rejection contains the improper conclusory statement that "Fujimori discloses the invention except for the detent and the releasable engagement. Betsuyaku teaches detent 17. It would have been obvious to add a detent to modify the attachment such that more than a lifting force must be applied to detach the stacking adaptor plate from the container portion to prevent inadvertent detachment."

⁶ See, M.P.E.P. § 2142 ("To establish a prima facie case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. ... The teaching or suggestion to make the claimed combination ... must ... be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).").

Application No. 10/005,188

Unsubstantiated and conclusory statements are not sufficient to establish the required motivation to combine the disclosure of Fujimori with the disclosure of Betsuyaku.⁷ Moreover, if the rejection is maintained, the Examiner is respectfully required to execute a declaration or affidavit asserting the required motivation as generally present in the art at the time of the invention, which Applicant reserves the right to subsequently explain or dispute.⁸ Applicant further notes

⁷ See, *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed Cir. 2002) ("The examiner's conclusory statements that the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software and that another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to [use] that which the inventor taught against its teacher. W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Thus the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.") (internal quotation marks omitted) (emphasis added).

⁸ See, M.P.E.P. § 2144.03 ("The rationale supporting an obviousness rejection may be based on common knowledge in the art or 'well-known' prior art. The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being 'well-known' in the art. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) (Board properly took judicial notice that 'it is common practice to postheat a weld after the welding operation is completed' and that 'it is old to adjust the intensity of a flame in accordance with the heat requirements.'). See also, *In re Seifried*, 407 F.2d 897, 160 USPQ 804 (CCPA 1969) (Examiner's statement that polyethylene terephthalate films are commonly known to be shrinkable is a statement of common knowledge in the art, supported by the references of record.). If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be taken, it is sufficient so to state. *In re Malcolm*, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons. See 37 CFR 1.104(d)(2).") (emphasis added).

Application No. 10/005,188

that whether references can be combined⁹ or that the asserted modification would have been within the skill of the person of ordinary skill in the art¹⁰ is likewise insufficient to establish the required motivation, as is Applicant's disclosure itself.¹¹ In view that the required motivation to combine the disclosure with Fujimori with the disclosure of Betsuyaku has not been established, a prima facie case of obviousness has not been established as well.

In addition to not establishing a motivation to modify the disclosure of Fujimori with the disclosure of Betsuyaku, a prima facie case of obviousness requires that all elements in the

⁹ See, M.P.E.P. 2144.03 ("The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.). See also In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).").

¹⁰ See, M.P.E.P. 2143.01 ("A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' 'because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See also, In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000) (Court reversed obviousness rejection involving technologically simple concept because there was no finding as to the principle or specific understanding within the knowledge of a skilled artisan that would have motivated the skilled artisan to make the claimed invention); Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.).") (emphasis added).

¹¹ See, M.P.E.P. § 2143 ("The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. In re Vaack, 20 USPQ2d 1438 (Fed. Cir. 1991).").

Application No. 10/005,188

rejected claims must be explicitly or inherently disclosed in the disclosures of Fujimori and Betsuyaku.¹²

With respect to claim 1, neither Fujimori nor Betsuyaku explicitly or inherently discloses a receptacle portion on the top of the container portion or a stacking adaptor plate for releasable engagement with the container portion at the receptacle portion and configured to cooperate with a machine interface with the first configuration. Therefore, a prima facie case of obviousness has not been established with respect to claim 1 a fortiori.

With respect to claim 4, neither Fujimori nor Betsuyaku explicitly or inherently discloses a stacking plate adapted to fit on the top of the wafer container and having an upwardly facing kinematic coupling portion (to cooperate with a kinematic coupling portion on a bottom of the wafer container). Therefore, a prima facie case of obviousness has not been established with respect to claim 4 a fortiori.

With respect to claim 6, neither Fujimori nor Betsuyaku explicitly or inherently discloses a wafer container system comprising a container portion comprising a machine interface positioned at the bottom and an adaptor plate conformed to engage with the top of the wafer container and comprising at least three rounded projections comprising one portion of a kinematic coupling. Hence, a prima facie case of obviousness has not been established with respect to claim 6 a fortiori.

With respect to claim 10, neither Fujimori nor Betsuyaku explicitly or inherently discloses a pair of wafer containers, each comprising a container portion having a machine interface positioned at the bottom and a stacking adaptor plate at the top and comprising a second

¹² See, M.P.E.P. 2143 ("To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.")

Application No. 10/005,188

cooperating part of a kinematic coupling, whereby the pair of wafer containers may be stacked together with the first cooperating part of said kinematic coupling intermediate each said pair of wafer containers. Therefore, a prima facie case of obviousness has not been established with respect to claim 10 a fortiori.

Pertaining to claim 11, neither Fujimori nor Betsuyaku explicitly or inherently discloses a stack of wafer carriers with a three groove kinematic coupling fixed to the bottom of the container portion and an adapter plate inserted between the stacked wafer carriers and comprising at least three upwardly extending projections engaged with the three groove kinematic coupling of the wafer carrier immediately above the plate and engaged with the top of the container portion immediately there below. Therefore, a prima facie case of obviousness has not been established with respect to claim 11 a fortiori.

Pertaining to claim 13, neither Fujimori nor Betsuyaku explicitly or inherently discloses a method of stacking first and second wafer carriers comprising a container portion with a three groove kinematic coupling disposed proximate the bottom of the container portion and a carrier portion disposed proximate the top of the container portion, the method comprising inserting between the first and second wafer carriers an adaptor plate having a three projection kinematic coupling extending upwardly for engagement with the three groove kinematic coupling disposed proximate the bottom of the first wafer container or engaging the adaptor plate with the carrier portion of the second wafer carrier. Hence, a prima facie case of obviousness has not been established with respect to claim 13 a fortiori.

The other rejected claims depend directly or indirectly from one of claims 1, 4, 6, 10, and 13. Therefore a prima facie case of obviousness has not been established with respect to the

Application No. 10/005,188

other rejected claims because a prima facie case of obviousness has not been established with respect to claims 1, 4, 6, 10, and 13. Because a prima facie case of obviousness has not been established with respect to the rejected claims, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as obvious over Fujimori, in view of U.S. 4,557,382 ("Johnson"). Applicant respectfully traverses this rejection.

Applicant first respectfully disputes that the required motivation to combine the disclosures of Fujimori and Johnson has been established. Because the required motivation has not been established, a prima facie case of obviousness has not been established as well. To this end, the Office Action states:

Fujimori discloses the invention except for the engagement of the anchor plate to the top of a container there below and the stack of wafer carriers. Johnson teaches a stack of wafer carriers (see Fig. 7 A-D). Johnson teaches a wafer carrier including a container portion (top cover 12 and disc box 14) and an adaptor plate (bottom cover 16), the adaptor plate engages the top (top cover 12) of the container portion immediately there below by a detent (at 70) and an associated recess (at 72), the detent projects downwardly for removable attachment to the wafer carrier/container portion there below.

Then concludes:

It would have been obvious to stack the wafer carriers as motivated by the conservation of storage area or space thereby achieved (i.e. compact storage). It

Application No. 10/005,188

would have been obvious to add a detent and associated recess to the underside of an adaptor plate to provide the sought after stable stackability as motivated by the restricted movement in both the longitudinal, horizontal and transverse, horizontal directions that the detent/recess provides. It would have further obvious to modify the detent/recess to have a corresponding shape as the top (as the top of Johnson as a projection (at 92) as motivated by the ease with which the user can identify the stacking and engaging features in aligning the carriers for compact storage.

As established above with respect to note 7, simply asserting features present in Fujimori and Johnson, then expressing unsubstantiated opinions about the desirability of combining these features is not sufficient to establish the required motivation to modify the disclosure of Fujimori with that of Johnson. Indeed, the rejection fails to state where in Fujimori, Johnson, or generally in the art at the time of the instant invention, concerns regarding conservation of storage space, restricted movement, or ease in stacking were present - much less that these asserted concerns would have motivated a person of ordinary skill in the art to make the asserted modifications. As also shown above in the portion of this response regarding note 7, the opinion of the Examiner is insufficient to establish the required motivation.¹³ Because the required motivation has not been established, a prima facie case of obviousness has not been established was well.

In addition to, inter alia, establishing the required motivation, the combined documents must explicitly or inherently disclose all claim limitations.¹⁴ With respect to claim 1, neither Fujimori nor Johnson explicitly or inherently discloses an adaptor with features for both

¹³ See also notes 8-11 regarding other requirements for establishing the required motivation.

¹⁴ See note 12.

Application No. 10/005,188

releasable engagement with receptacle portion on top of the container and a configuration to cooperate with a machine interface at the bottom of the container. Moreover, the rejection fails to state how the bottom cover 16 of Johnson would satisfactorily function as the bottom plate 14 of Fujimori. Indeed, the bottom cover 16 of Johnson fails even to provide a feature allowing releasable engagement with the receptacle portion of Fujimori.¹⁵ Hence, the foregoing limitation is not explicitly or inherently disclosed by Johnson and a case of prima facie obviousness has not been established a fortiori.

Concerning claim 4, the bottom cover 16 of Johnson fails to explicitly or inherently disclose an upwardly facing kinematic coupling portion. Because the bottom cover 16 of Johnson fails to explicitly or inherently disclose an upwardly facing kinematic coupling portion, all the limitations of claim 4 are not explicitly or inherently disclosed and a prima facie case of obviousness has not been established a fortiori.

With respect to claim 6, the bottom cover 16 of Johnson fails to explicitly or inherently disclose an adaptor plate comprising at least three rounded projections comprising one portion of a kinematic coupling. Hence, all claim 6 limitations are not explicitly or inherently disclosed and a prima facie case of obviousness has not been established a fortiori.

Concerning claim 10, the bottom cover 16 of Johnson fails to explicitly or inherently disclose a stacking adaptor plate at the top of each of said wafer containers and having at least three rounded projections comprising a second cooperating part of said kinematic coupling, whereby said pair of said wafer containers may be stacked together with said first cooperating part of said kinematic coupling intermediate said pair of wafer containers. Therefore, all claim

¹⁵ See also below for rationale contained in the Office Action actually teaching away from the instant proposed modification.

Application No. 10/005,188

10 limitations are not explicitly or inherently disclosed and a prima facie case of obviousness has not been established a fortiori.

With respect to claims 11 and 13, the bottom cover 16 of Johnson fails to explicitly or inherently disclose an adapter plate comprising at least three upwardly extending projections engaged with the three groove kinematic coupling of the wafer container immediately above said plant and ... engaged with the top of the container portion immediately there below or engaging the adaptor plate with the carrier portion of the second carrier in the case of claim 13. All claim 11 and 13 elements are not explicitly or inherently disclosed by Fujimori and Johnson.

Therefore, a prima facie case of obviousness has not been established a fortiori.

The other rejected claims depend directly or indirectly from one of claims 1, 4, 6, 10-11, and 13. Therefore, not all of the elements of the other rejected claims are explicitly or inherently disclosed with respect thereto as well. Because all the elements of the other rejected claims are not disclosed, a prima facie case of obviousness has not been established for the other rejected claims as well.

As seen above, the required motivation to modify the disclosure of Fujimori with the disclosure of Johnson has not been established and all the elements of the pending independent claims are not explicitly or inherently disclosed when Fujimori and Johnson are improperly combined. Therefore, a prima facie case of obviousness has not been established and reconsideration and withdrawal of the rejection are respectfully requested.

Application No. 10/005,188

37 C.F.R. § 1.75

The Office Action advised that, "should claim 5 be found allowable, claim 7 will be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof." Claim 7 is amended to depend from claim 6 rather than from claim 4 and is, hence, no longer arguably a substantial duplicate thereof. In view of the amendment to claim 7 and to the extent that claim 7 is rejected or objected to, Applicant respectfully requests reconsideration and withdrawal of said rejection or objection.

Response to Examiner's Comments

Applicant notes Examiner's statement that "releasable" as the "releasable engagement" was not amended into the claims as stated in the amendment of 28 May 2003. In order to clarify this matter, Applicant notes that "a stacking adaptor plate for releasable engagement" is recited by pending claim 1. This limitation is not, in fact, recited by the other pending claims.

With respect to the anticipation rejection in the preceding Office Action, the Examiner asserted that Applicant provided no basis for Applicant's position traversing reorienting the wafer container. Applicant has provided such a basis in this Amendment and Response.

The Examiner also stated that Betsuyaku, column 12, lines 12-15 provided explicit teaching of obviousness. Applicant merely finds the foregoing portion of Betsuyaku to recite a feature of the recessed bottom cover - not a motivation to substitute the bottom cover for the bottom plate 14 of Fujimori and certainly not to include the recessed portion as a feature in the Fujimori bottom plate.

Application No. 10/005,188


In attempting to establish the required motivation to combine the documents asserted in the previous Office Action, the Examiner further stated that "the plate should remain attached with a strength which is greater than a lifting force since a force equal to the weight of the plate and/or the container should not be sufficient to detach the plate and wafer container." The foregoing quotation actually argues against using the recessed bottom cover of Betsuyaku to modify the disclosure of Fujimori because the recessed bottom cover of Betsuyaku would not remain attached with a strength greater than a lifting force as posited for a requirement above. Moreover as established above regarding note 7, the opinion of the Examiner is not a sufficient basis to establish the required motivation to modify the disclosure of Fujimori with the disclosure of Betsuyaku.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


Wm. Larry Alexander
Registration No. 37,269

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757